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State of Utah

Department of
Natural Resources

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Executive Director

Division of
Oil, Gas & Mining

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Lieutenant Governor

November 23, 2004

Mr. Kevin Williams
P. O. Box 1021
Vernal, Utah 84078

Subject: Regulatory Exemption for Sand, Gravel and Rock Aggregate Operations

Dear Mr. Williams:

I am writing in response to your request for clarification on the requirements for permitting sand, gravel, and rock aggregate operations. The Division of Oil, Gas and Mining (DOGM) regulates "mining operations" which are defined in rule R647-1-106 as **not** including "the extraction of sand, gravel, and rock aggregate." "Sand" and "gravel" are defined as naturally occurring unconsolidated to moderately consolidated accumulations of rock and minerals particles, the dominant size ranging from 1/16 mm to 2 mm for sand and 2 mm to 10 mm for gravel, which has been deposited by sedimentary processes.

"Rock aggregate" is defined as:

... those consolidated rock materials associated with a sand deposit, a gravel deposit, or a sand and gravel deposit, that were created by alluvial sedimentary processes. The definition of rock aggregate specifically excludes any solid rock in the form of bedrock which is exposed at the surface of the earth or overlain by unconsolidated material.

Although regulations can be somewhat confusing, there are a few key terms or phrases in these definitions. These are "unconsolidated," "moderately consolidated," "alluvial sedimentary processes," and "bedrock."

If you are mining naturally occurring unconsolidated or moderately consolidated sand or gravel deposited by sedimentary processes, you are exempt from regulation by DOGM. If you are mining rock materials that occur as part of an alluvial (deposited by running water) sand and/or gravel deposit, you are

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exempt from regulation by DOGM. If, however, the deposit includes bedrock, it is subject to regulation.

As we discussed, I have not seen your operation and cannot say whether it is exempt from regulation by DOGM. I will try to visit the site the next time I am in the Vernal area.

Even if you are exempt from DOGM regulations, you must still comply with requirements of any other federal, state, or local agencies.

I hope this letter is clear, but if you have any questions about these definitions, please feel free to call me at 801-538-5261.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. B. Baker'.

Paul B. Baker
Reclamation Biologist
Minerals Regulatory Program

PBB:jb
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